

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16481 of Edith Grossman. on behalf of Circle Travel, Inc.. pursuant to 11 DCMR 3108.1. for a special exception under Section 2003.1 to change a nonconforming use from retail florist shop to travel agency, on the first floor. in a DCODIR-5-B District at premises 1729 th Street. N.W. (Square 110, Lot 19).

HEARING DATE: September 8, 1999

DECISION DATE: September 8, 1999

SUMMARY ORDER

*The application was advertised to change the use of the first floor of the building from TV, audio. hi-fi repair and sales to travel agency. During the hearing, the Board was informed that the building's first floor was last used as a retail florist shop. The aforementioned announcement was revised to accurately reflect that the last use was a florist shop. The building's second floor has always been used as a residential unit.

The record indicates that the travel agency is currently operating on the site without a Certificate of Occupancy. The applicant voluntarily brought the matter to the city's attention. after the problem was discovered.

The Board provided proper and timely notice of the public hearing on this application with its publication in the D.C. Register; by mail to Advisory Neighborhood Commission (ANC) 2B; and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2B. ANC 2B, which is automatically a party to this application, did not file a written statement on the application. The applicant submitted letters of support from nearby property owners. The letters state that the travel agency is a welcome addition to the neighborhood

As directed by 11 DCMR 3324.2, the Board required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a special exception pursuant to 11 DCMR 2003.1. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based on the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The days and hours of operation shall be Monday through Saturday, 8:00 am to 6:00 p.m.
2. There shall be no more than **THREE (3)** employees.
3. Any illuminated signs shall be limited to business hours.

Pursuant to 11 DCMR 3301.1, the Board determined to waive the requirement of 11 DCMR 3331.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0 (Betty King, Jerry H. Gilreath, Sheila Cross Reid and Robert N. Sockwell to grant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: SEP 24 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987). SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38. AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987) AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

BAB/9-10-9-99

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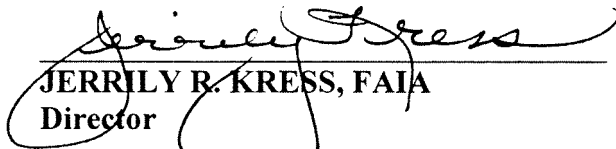


BZA APPLICATION NO. 16481

As Director of the Office of Zoning, I hereby certify and attest that on SEP 24 1999 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

John Wiebenson
1739 Connecticut Avenue, N.W.
Washington, DC 20009

Kyle Pitsor, Chairperson
Advisory Neighborhood Commission 2B
P.O. Box 33224
Washington, DC 20033-0224


JERRILY R. KRESS, FAIA
Director